

# **DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT**

## **Replacement Volume Timber Sale Environmental Assessment**

**Josephine County, Oregon  
Forest Service-USDA  
Siskiyou National Forest  
Galice Ranger District**

### **INTRODUCTION**

Currently the Siskiyou National Forest has timber sales under contract which have units occupied by marbled murrelets, a federally listed threatened species. Occupancy by murrelets was found after the timber sales were sold, but before the units were harvested. Under Section 2001(K)(3) of the Rescission Act (Public Law 104-19) and the September 17, 1996 Settlement Agreement in Northwest Forest Resource Council v. Glickman and Babbitt, the USDA Forest Service is to provide alternative timber to replace those timber sale units occupied by marbled murrelets. The Siskiyou National Forest conducted an analysis in 1996 to determine its capability to provide alternative timber. The Galice Ranger District of the Siskiyou National Forest determined it could provide approximately 1.6 million board feet of alternative timber (Replacement Volume) to meet the Rescission Act and Settlement Agreement. This project will meet a portion of that need.

The Replacement Volume Timber Sale Environmental Assessment (EA) was originally analyzed in 1997 and a Decision Notice was issued in September 1998. That decision was withdrawn in December 1998. This Environmental Assessment has updated the original EA, and summarizes and documents the results of a site-specific analysis on the impacts of implementing timber harvest and associated activities within the Replacement Volume Timber Sale Project Areas. This document is available for public review at the Galice Ranger District Office, Grants Pass, OR. The Environmental Assessment documents the analysis of environmental impacts of the Proposed Action and its alternatives.

The Replacement Volume Timber Sale Project Area is located within the Onion, Secret, Horse, and Brushy Creek Drainages. The proposal includes timber harvest and associated activities, including road construction.

### **THE DECISION**

Based on the analysis summarized in the Environmental Assessment and its appendices, it is my decision to implement **Alternative 1**, as described in the Environmental Assessment. The Selected Alternative will conduct silvicultural and fuels reduction treatments on approximately 53 acres. An estimated 1.1 MMBF of timber will be harvested (replaced) on a total of four (4) harvest units. Harvest volume is estimated. Harvest prescriptions will be regeneration with reserve trees. Silvicultural harvest prescriptions have been written to include green tree retention as detailed in the Northwest Forest Plan. Cable (skyline) has been identified as the most cost efficient and environmentally preferred methods of yarding. Approximately 0.20 miles of temporary road construction will be implemented. The Forest standard for temporary roads is that they will be ripped, seeded, and closed at the end of timber sale operations. No new permanent or system roads will be constructed.

Commercial and personal fuelwood opportunities will be made available in areas where appropriate. These include, but are not limited to slash piles on landings, roads or within units. Hazard tree salvage of recent and imminent tree mortality will be implemented per OSHA guidelines along haul routes, landings and

adjacent to harvest units. No specific volume has been determined for this, though it is not expected to be beyond 50 MBF.

Table 1 provides unit specific details for the Selected Alternative (Alternative 1). Unit numbers correspond to the units as delineated and numbered in Appendix A of the Replacement Volume Timber Sale Environmental Assessment.

**TABLE 1**  
**REPLACEMENT VOLUME TIMBER SALE**  
**SELECTED ALTERNATIVE DEFINITION TABLE**

UNIT #	ACRES	VOLUME (MBF)	HARVEST PRESCRIPTION	YARDING SYSTEM
2-10	24	450	Regeneration	Skyline
2-12	12	250	Regeneration	Skyline
2-13	5	100	Regeneration	Skyline
2-14	12	300	Regeneration	Skyline
<b>TOTALS</b>	<b>53</b>	<b>1100</b>		

This decision tiers to and is in accordance with the Siskiyou National Forest Land and Resource Management Plan, as amended by the April 1994 Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl, with its associated Standards and Guidelines for Management of Habitat for Late-Successional and Old-growth Forest Related Species Within the Range of the Northern Spotted Owl (ROD). It incorporates findings from the Briggs Creek Watershed Analysis, the Preliminary Assessment Report, Storms of November and December 1996, Siskiyou National Forest Monitoring reports, and specialist reports.

In making this decision I have, in consultation with the interdisciplinary team and resource professionals, considered issues related to the Proposed Action. These issues were generated from the public and within the Agency. Letters describing the Replacement Volume Timber Sale Proposed Action were mailed to individuals and organizations on the District Mailing list. In addition, the Oregon Department of Fish and Wildlife, the Middle Rogue Steelhead Chapter, and the Bureau of Land Management were included in scoping on the Replacement Volume Timber Sale Proposed Action.

The Replacement Volume Timber Sale public participation activities have included written scoping, phone conversations, newspaper legal ads, and a 30 day comment period.

A 30 Day Comment Period following the release of the Environmental Assessment provided the public with an opportunity for review and comment on the alternatives that were formulated to the Proposed Action, and analysis of those Alternatives. My decision is based, in part, on review of Agency responses to 30 Day Comments. These responses are displayed in Appendix M of the Environmental Assessment. My decision is also based, in part, on public feedback received from the District's public participation activities.

I have decided to incorporate the updated Survey and Manage information and associated management recommendations. These surveys are consistent with the Decision Notice to Delay the Effective Date for Surveying 7 "Survey and Manage" and Protection Buffer Species (2/18/2000). These surveys are also consistent with the findings Judge Dwyer in ONRC Action v. USFS and BLM, and the ROD for the Northwest Forest Plan. Additional surveys were completed for Red Tree Voles and species requiring surveys for projects not implemented before FY 1999.

The original Fish and Wildlife Report (Appendix D) and the Botanical Report (Appendix H) have addendums reporting the findings, typographical corrections, and recommendations. The results of these

surveys and the applications of current management recommendations have resulted in minor changes (3-5 acres of additional protect buffers) to Alternative 1. These updated reports have not resulted in significant changes to the selected alternative and the environmental consequences. Therefore, no additional public comment would be needed.

Based on comments received during the public comment period, I have asked for and received additional clarification on the hydrologic cumulative effects analysis. This analysis has corrected some minor errors and added more current information on additional future projects. I have adopted the hydrologic and geologic recommendations contained in the updated report in Appendix F. This updated report has not resulted in changes to the selected alternative or the environmental consequences that would require additional disclosure and public comment.

Monitoring of stand management activities associated with the Selected Alternative will be conducted in accordance with the Siskiyou Forest Land and Resource Management Plan (Forest Plan) and the Record of Decision for Amendments to Forest Service and the Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (Northwest Forest Plan). Monitoring elements include:

- 1) Implementation monitoring: Periodic review for compliance with the implementation Standards and Guidelines of the Siskiyou Forest Plan.
- 2) Effectiveness monitoring: Seasonal evaluation of the mitigation measures identified in the environmental assessment. Review to determine the effectiveness of protection of the soil and riparian resources.
- 3) Validation monitoring: Forest-wide Standards and Guidelines in the Land and Resource Management Plan for the Siskiyou National Forest Plan will be adhered to.

### **AQUATIC CONSERVATION STRATEGY COMPLIANCE REVIEW**

Compliance with the Aquatic Conservation Strategy (ACS) Objectives has been reviewed. I find that based on the Hydrologic review (Appendix F) pages 14-17 and the Fisheries review (Appendix D) pages 4,9, and consultation with National Marine Fisheries Service, together with adoption of recommended mitigation measures, that this project is in compliance with the Objectives.

### **MITIGATION MEASURES**

I have decided to implement the mitigation measures recommended on pages 8-10 of the EA, the addendums to the Fish and Wildlife report, and those applicable to Replacement Volume in the updated Hydrology Cumulative Effects Analysis on pages 14-17, 22-26, and those recommended for units 2-10 and for 2-12 & 2-13 a (c), b, and c. Highlights include:

- a) Appropriate contract clauses, including avoidance, will be used to avoid, or minimize to an acceptable level, impacts to sensitive plants and some survey and manage individuals and/or populations identified during field surveys or implementation.
- b) Cultural resource sites discovered during implementation will be protected as required in Forest Plan S&G 3-4.
- c) Mitigation measures have been designed to prevent the import of Port-Orford-cedar root rot and to reduce the potential of import and spread of noxious weeds entering Forest Service lands and specifically within the project area, contract provisions will be provided which will require the washing of all vehicles and equipment prior to entering the project area.
- d) One end suspension and/or full suspension of logs during yarding will be used to minimize impacts to the soil resource where practical.

- e) Best Management Practices, in conjunction with Aquatic Conservation Strategy Objectives, shall be implemented to attain water quality objectives. Site specific mitigations to reduce erosion, and sediment potential.

These mitigation measures have been used on Galice Ranger District, Siskiyou National Forest, and have been effective in achieving resource protection. Through implementation of these and other measures, practical means to reduce environmental impacts to acceptable levels will have been adopted.

## ALTERNATIVES

Alternatives to the Proposed Action were discussed during environmental analysis process for the Replacement Volume Timber Sale. Some of the concerns addressed during the analysis were:

- a) Economic Return of the Timber Sale
- b) Hydrologic Cumulative Effect Analysis
- c) Port-Orford Cedar
- d) Effects upon Proposed, Endangered, Threatened or Sensitive Animal, Fish and Plant Species

Other issues were considered in the analysis process. The analysis of these and other issues were used in the comparison of environmental consequences between the alternatives.

Two alternatives, in addition to the Proposed Action, were considered and developed fully during the analysis process for the Replacement Volume Timber Sale. A description of the Proposed Action and its alternatives are as follows:

The Proposed Action was developed to comply with the Rescissions Act. It was initially released for scoping in June 1997 and included 17 harvest units. Since that time 13 of the 17 units were found to no longer meet the Project's Purpose and Need as defined under Section (k)(3) of the Rescission Act. The dropping of these 13 units developed an alternative mix where the Proposed Action is now identical to Alternative 1. In other words, Alternative #1 under the FY 99 Replacement Volume Timber Sale analysis is the same as the Proposed Action.

Alternative #1 is a refining of the Proposed Action. It proposes four (4) units as replacement volume for the Father Oak timber sale. These four units are units which the purchaser has agreed to as meeting the "an equal volume of timber, of like kind and value, which shall be subject to terms of the original contract" parameters under the September 17, 1996 Settlement Agreement in NFRC v. Glickman pursuant to Section 2001(k)(3) of the Rescission Act of 1995.

Alternative 2, the No-Action Alternative, would not plan any management activities in the Replacement Volume Timber Sale Project areas. With the No-Action Alternative, the proposed units would not be harvested. Road maintenance, fire protection, timber stand improvement in managed stands and watershed restoration activities would likely occur to protect resources and investments, but no other timber management would occur under this project planning effort.

This alternative would not meet Section 2001(K)(3) of the Rescission Act (Public Law 104-19) and the September 17, 1996 settlement agreement in Northwest Forest Resource Council v. Glickman and Babbitt.

## Alternatives Considered But Not Selected

The change in the Proposed Action since the initial scoping in 1997, has left this environmental assessment with essentially only one action alternative (Proposed Action and Alternative 1 are now the same). I have decided to accept this range of alternatives due to the unique nature of the Purpose and Need

of this project, and the inherent narrow range of alternative options while implementing this portion of the Rescission Act (Public Law 104-19). This project still meets the minimum standards of 40 CFR part 1502.14.

Alternative silvicultural prescriptions were examined (Appendix B). I have accepted the recommendation that regeneration harvest prescriptions are the most appropriate prescriptions for these sites.

## **REASONS FOR THE DECISION**

I have reviewed and considered the applicable laws, statutes, regulation, policy and the environmental documents to which this decision tiers and incorporates, including the Siskiyou Forest Plan (1989) that was amended by the Record of Decision on Management of Late Successional and Old Growth Related Species Within the Range of the Spotted Owl (1994).

I have reviewed the Replacement Volume Timber Sale project area and have had site-specific discussions on the units included in this Decision. I have reviewed the Replacement Volume Timber Sale Environmental Analysis, its administrative record, and 30 Day Comments with the interdisciplinary team and Forest-level professional staff. I have read the statements, comments and questions. I have closely analyzed and rigorously explored the issues raised in the Environmental Assessment and 30 Day Comments and I have fully evaluated the alternatives and issues according to the specific context and intensity of each action.

This effort, information and perspective have led me to select Alternative 1 for implementation. The Selected Alternative best meets the Purpose and Need of the Proposed Action. The purpose of is to provide alternative timber volume for the Father Oak timber sale on the Siskiyou National Forest. This is pursuant to Section 2001(k)(3) of the Rescission Act (Public Law 104-19) and the September 17, 1996 Settlement Agreement in Northwest Forest Resource Council v. Glickman and Babbitt. Under the act and the agreement, such alternative timber must be “an equal volume of timber, of like kind and value, which shall be subject to the terms of the original contract” (or as otherwise acceptable to the purchaser). Designation of alternative timber must be done in consultation and agreement with the Scott Timber Company. Alternative 2, the No Action Alternative, would not meet the Purpose and Need, by not providing replacement volume. No other known alternative timber units have been identified in conjunction with Scott Timber, which would make a reasonable alternative and minimize the impacts to large blocks of late-succession habitat.

I recognize that there are some potential risks associated with timber harvest. Many of the concerns mentioned during public comments focused on water quality and fisheries issues. Based on the specialist reports and my site-specific knowledge of this project, I find these risks are small and acceptable when applying the project design criteria and mitigation measures.

I understand the selected alternative will remove mature trees and reduce potential northern spotted owl habitat. The consultation with US Fish and Wildlife Service has determined that this action will not jeopardize the continued existence of the owl. I also consider the selected alternative to be minor impact on late-successional species due to the fragmented nature of these stands, and the lack of interior habitat characteristics.

All vegetation manipulation is consistent with legal requirements under 36 CFR 219.27(b).

## **ISSUES**

I have examined the issues relating to the Proposed Action and its alternatives according to specific context and intensity. Upon review of Replacement Volume Timber Sale Environmental Assessment, I have considered the following issues such that:

Economic Return of the Timber Sale

1. Implementation of the Selected Alternative provides a positive short-term net present value and a positive benefit/cost ratio.
2. The Selected Alternative utilizes cable (skyline) logging systems. This system implements the most economically sensible and environmentally acceptable alternative to harvest of the identified units.

Hydrologic Cumulative Effects

1. The Selected Alternative is in compliance with the Northwest and Siskiyou Forest Plans. All streams will be protected with full Northwest Forest Plan riparian reserves.
2. There will not be a significant risk to the integrity of the aquatic system with the implementation of the Selected Alternative.

Port-Orford-cedar

1. Mitigation measures prescribed in the Port-Orford-cedar Root Rot Control Strategy, and chosen for implementation under this Decision, rate as high in effectiveness for keeping the Replacement Volume Timber Sale project area in a disease free condition. There is a high potential for the area to remain disease-free.

Wildlife, Fisheries, and Botanical Effects

1. Potential Endangered Threatened, and Sensitive species have been analyzed and consulted with the appropriate Federal regulatory agencies.
2. Management indicator species, including snag habitat dependant species will be maintained to standard and guideline levels. This is achieved by 15% leave areas, individual leave trees, and protection buffers for survey and manage species.

**ADDITIONAL ISSUES**

- 1) The Selected Alternative is a reasonable alternative, that fulfills the Purpose and Need, while providing resource protection.
- 2) The Standards and Guidelines and objectives of the Aquatic Conservation Strategy, as detailed in the Northwest Forest Plan, will be adhered to.
- 3) Fuels management activities are designed to comply with Oregon State Smoke Management Guidelines.
- 4) Under the Selected Alternative, County, State and Federal contributions would result providing economic support to local and regional economies.
- 5) The environmental effects of the Selected Alternative fall within the range of effects analyzed in the Proposed Action and its alternatives, and are documented in the Environmental Consequences section of the Replacement Volume Timber Sale Environmental Assessment, and its Appendices.
- 6) The planned harvest activities meet the direction and guidelines in the Siskiyou Forest Plan, as amended by the Northwest Forest Plan. These include, but are not limited to, the use of an interdisciplinary analysis process to insure integrated resource management, implementation of management activities to move toward the desired future condition in the affected management areas, selection of the appropriate silvicultural and harvest systems, identification of site-specific mitigation measures to provide environmental safeguards, and monitoring of results as projects are implemented.
- 7) Timber management, prescribed fire and road construction activities are designed to maintain or enhance conditions in riparian reserves. The Aquatic Conservation Strategy Objectives will be achieved.
- 8) The interdisciplinary team has completed field surveys and provided protection and recommendations for management of sensitive and/or survey and manage plant, wildlife, and fish species found within the boundary of this timber sale.
- 9) A biological evaluation for fish species has been completed which states that implementation of the Selected Alternative will not likely jeopardize the continued existence of any proposed or listed fish species. The Selected Alternative is not likely to result in destruction or adverse modification of any

proposed or listed critical habitat for fish species.

- 10) The Galice Ranger District has implemented a Watershed Restoration Program in recent years, which has included the decommissioning of roads. Roughly 2 miles of road have been decommissioned in the Briggs Creek Watershed under this program.

### **FINDING OF NO SIGNIFICANT IMPACT**

I have determined that the actions associated with the Selected Alternative are not a major federal action, individually or cumulatively, and will not significantly affect the quality of the human environment.

Therefore, an environmental impact statement is not needed. This determination is based on the following factors considering the context and intensity of the action:

- 1) Public health and safety are minimally affected by the implementation of the Selected Alternative.
- 2) There are no known significant irreversible resource commitments or irretrievable loss of timber production, wildlife and fish habitats, soil production or water quality.
- 3) Actions related to this Project are of limited context and intensity, with few or no environmental effects, individually or cumulatively. This decision is not related to other actions with individually insignificant, but cumulatively significant, impacts.
- 4) The physical and biological effects are temporal and limited to discreet areas.
- 5) These actions do not set a precedent for other projects or future actions with or without significant effects that may be implemented according to the goals and objectives of the Siskiyou National Forest Land Resource Management Plan (1989).
- 6) Wetlands and floodplains are not known to be present in areas to be managed, and therefore, will not be affected.
- 7) Implementation of the Selected Alternative ensures that the Aquatic Conservation Strategy Objectives will be achieved.
- 8) Sensitive, protected, endangered and/or threatened plant, animal and fish species will not be adversely affected when mitigation measures have been implemented.
- 9) Review and analysis of the context and intensity of these specific actions by knowledgeable experts familiar with site specific conditions of the Onion, Secret and Horse Creek Watersheds indicates that the effects on the quality of the human environment is not likely to be highly controversial.
- 10) There are no known effects on the human environment that are highly uncertain or involve unique or unknown risks.
- 11) These actions do not threaten a violation of Federal, State, or local law requirements imposed for the protection of the environment.
- 12) The Selected Alternative is consistent with vegetation management regulation 36 CFR 219.27 (b).
- 13) No extraordinary circumstances exist that might cause the action to have significant effects. Past experience indicates that, with standard administration, this action will have an insignificant effect on the biological, physical, and social components of the human environment.
- 14) There are no park lands, prime farm lands, wilderness, Wild & Scenic Rivers, research natural areas, or ecologically critical areas associated with the area to be affected by this decision.
- 15) No highly uncertain effects on the quality of the environment or unique or unknown risks are involved.
- 16) This decision will not adversely affect areas listed in or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historic resources.
- 11) The biological assessment and supporting documentation for the Replacement Volume Timber Sale Project have been reviewed by the interagency Level 1 Team and found consistent with the Northwest Forest Plan. The Level 1 Team has concurred with the effects determination of May Affect, Not Likely to Adversely Affect on the Southern Oregon/Northern California Coho Salmon. Based on the information contained and the biological assessment and the interagency reviews and consistency findings, I have determined that there will be no significant effect on any listed species as a result of this decision.

Considerations of both context and intensity were used to determine no significance, as described in 40 CFR 1508.27. The relationship of individually insignificant actions that have cumulatively significant impacts (1508.27[b][7]) was part of the analysis for the Final Environmental Impact Statement for the Forest Plan and is outside of the scope of the Replacement Volume Timber Sale environmental analysis, which tiers to the Final Environmental Impact Statement.

#### **ADMINISTRATIVE REVIEW AND APPEAL OPPORTUNITIES**

This decision is subject to administrative review (appeal) pursuant to 36 CFR 215. Any written notice of appeal of this decision must be fully consistent with 36 CFR 215.14, Content of An Appeal, including the reasons for appeal. An appeal must be filed with: **Regional Forester, Attn.: 1570 Appeals, P.O. Box 3623, Portland OR 97208-3623** (Appeal Deciding Officer).

The written Notice of Appeal must be filed within 45 days of the date of publication of this decision in the Grants Pass *Daily Courier* newspaper. This notification appears in the legal section of the *Daily Courier*.

An appeal pursuant to 36 CFR 215.15 may be filed by any person or group that has provided comment or otherwise expressed interest in this particular action by the close of the 30 Day Comment Period specified in 36 CFR 215.6.

#### For Further Information About This Decision

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**Thomas K. Link**  
Acting District Ranger  
Galice Ranger District

\_\_\_\_3/09/2000\_\_\_\_\_  
**Date**